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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,866	06/08/2000	Lorna B. Voit	Voit Tag	9723

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EXAMINER

NGUYEN, KIEN T

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 02/11/2003

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 8

Application Number: 09/589,866  
Filing Date: June 08, 2000  
Appellant(s): VOIT, LORNA B.

Albert W. Watkins  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 09, 2002.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

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**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1, 4, 5, and 7-17 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

335,837	Peckham	02-1886
6,101,367	Luciano	08-2000

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 5 and 7-17 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 5.

**(11) Response to Argument**

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, appellant failed to address the issue of the rejection based on the combination of the primary reference Peckham in view of the secondary reference Luciano. Appellant only addressed the Luciano reference as failed to provide any argument as to why it is not obvious to combine the two references together. It is respectfully submitted that such argument is not persuasive.

In response to appellant's argument concerning how the reader (11) is fragile and not viable for general transport with a person's keys, such argument is speculative, irrelevant, unsubstantiated, and failed to directly address the issue of whether or not it is obvious to combine the education device which attached to a ring (B) of Peckham with the teaching of using a conventional key chain attachment (22) (see column 2, lines 44-46) which inherently including a key with an educational device (11) for the purpose of allowing the user to conveniently carrying the educational device around.

In response to appellant's argument concerning whether or not Luciano intended to actually use keys with the conventional key chain (22) and the reader (11), the fact that Luciano uses the term "a conventional key chain attachment 22" clearly indicated a

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desire for the reader (11) to be attached with other items typically attached to a key chain such as keys. If Luciano did not intend to attach the reader (11) with key(s), there is no point of using the term "a conventional key chain".

In response to appellant's argument concerning claim 7, Peckham stated on lines 38-56 that the tag (A) could contain other forms of information such as a character, a letter, word, or problem to which an answer is required; and on lines 62-68, Peckham clearly disclosed the use of a word on one side and a corresponding definition on the reverse side. Such teaching clearly meets the vocabulary words as set forth in claims 7 and 12. Furthermore, regarding the steps such as "inserting an imprinted tag onto a key ring with a key, transporting the key ring, key, and tag through the elements, stowing the retrieved key ring, and studying the imprinted tag between retrieving and stowing" as set forth in claims 9 and 10 are considered obvious steps of using the educational device of Peckham as modified by Luciano, and one of ordinary skill in the art could recognize such steps with the disclosure of Peckham and Luciano.

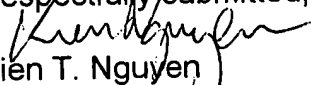
In response to appellant's argument regarding claims 8 and 14, education is a never-ending process and it would have been a matter of design choice to imprint additional tags based on the demand of users.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

  
Kien T. Nguyen  
Primary Examiner  
Art Unit 3712

Ktn  
February 6, 2003

  
~~Conferees~~

Supervisory Patent Examiner Derris Banks

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